

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
TRIAL**

CASE NO.: CR-08-00004

DATE: June 20, 2008

HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: None Present

Court Reporter: Wanda Miles

Courtroom Deputy: Carmen B. Santos

Electronically Recorded: 9:14:28 - 10:39:35
10:55:25 - 12:09:09

APPEARANCES:

Defendant: Eun Young Lee
Marcelino Laserna
John Duenas
Mary Garcia
Joseph Pangelinan
Francisco Kawamoto
Margaret Untalan

Attorney: Richard Arens
Mark Smith
Cynthia Ecube
Leilani Lujan
Louie Yanza
Stephanie Flores
Rawlen Mantanona

☒ Present ☐ Custody ☐ Bond ☐ P.R.

☒ Present ☒ Retained ☒ FPD ☒ CJA

U.S. Attorney: Karon Johnson

U.S. Agent: K. Klocke, FBI

U.S. Probation: None Present

Interpreter: Sung Woo Yoon

Language: Korean

PROCEEDINGS: Jury Trial - Day 10

- Witnesses sworn and examined; exhibits marked and admitted - see attached Exhibit and Witness List, AO Form 187 (and 187a, when applicable).
- An issue of possible discovery violation (Rule 16) was raised. Parties urged to meet, discuss and review documents. Parties to brief the issue and submit briefs by June 23, 2008.
- Jurors instructed to keep an open mind, not read articles, watch news reports or discuss the case.
- Jury Trial (Day 11) continued to: June 23, 2008 at 9:00 a.m.

NOTES:

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 13, 2008 JUNE 16, 17, 18, 19, 20, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						9:14:28 - Begin Day 10 - June 20, 2008	
						9:14:30 - Witness Jung Soo Yang seated	
						9:18:17 - Jurors seated	
						9:18:28 - CX by Mr. Mantanona	
	11		6/11/08	6/20/08	6/11/08	Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection (Frank Blaz)	
	84		6/12/08	6/20/08	6/12/08	ITIN letter given to Jae Han Seok by Lee on November 30, 2004, offered by the Government, and admitted without objection (Jae Han Seok)	
	19		6/9/08	6/20/08	6/16/08 6/10/08	MVD file for - Jung Soo Yang - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
						9:46:20 - CX by Mr. Yanza	
						9:50:57 - Witness Yang excused	
						9:52:16 - Witness John Ireland called and sworn	
						9:52:23 - DX by Ms. Johnson	
						Exhibit 33 of Government Trial Memorandum	
						10:12:15 - CX by Ms. Lujan	
						Exhibit 33 of Government Trial Memorandum	
		G-J		6/20/08		Hand written notes of John Ireland dated 9/24/07, identified by Ms. Lujan (Agent Ireland)	
		U-U	6/11/08	6/20/08	6/11/08	Assignment of ITIN Number - Exhibit U-U offered by Ms. Lujan and admitted without objection (Frank Blaz)	
		U-P p158	6/10/08	6/20/08	6/10/08	2/5/99 Memo from Joseph T. Duenas contained in Exhibit U-P - Standard Operating Procedures for the Driver's License Branch, Department of Revenue and Taxation - offered by Mr. Mantanona and admitted without objection (Frank Blaz)	
						10:39:35 - 10:55:25 - Jurors excused - morning break	
						10:56:44 - Witness seated; Jurors seated.	
						10:56:51 - Continued CX by Ms. Lujan	
		U-W	6/11/08	6/20/08	6/11/08	Memorandum from Director re Requirement for Driver's License/Assignment of ITIN - offered by Ms. Lujan and admitted without objection (Frank Blaz)	
		U-P p156	6/10/08	6/20/08	6/10/08	10/31/02 Memorandum from Department of Revenue and Taxation, Administrator Maria C. Flores contained in Exhibit U-P - Standard Operating Procedures for the Driver's License Branch, Department of Revenue and Taxation - offered by Mr. Mantanona and admitted without objection (Frank Blaz)	
		U-V	6/12/08	6/20/08	6/12/08	Department of Revenue and Taxation Licensing Requirements, offered by Mr. Mantanona, admitted without objection (Jesse Salas)	
						11:06:34 - CX by Mr. Yanza	
						11:11:35 - Re-DX by Ms. Johnson	
						11:13:35 - Re-CX by Ms. Lujan	
						11:14:53 - Agent Ireland excused	
						11:15:15 - Jurors excused - 10 minute recess	
		K-A		6/20/08		11:15:49 - Agent Kline seated; Ms. Flores addressed court re: postal inspector notes and failure of Government to provide copies of handwritten notes of clients in violation of Rule 16 - Court urged the parties to meet and discuss; Hand written note dated 1/09/08 signed by Francisco Kawamoto	
						11:33:08 - Jurors seated	
						11:33:41 - Continued CX by Mr. Arens	

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 13, 2008 JUNE 16, 17, 18, 19, 20, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
		Lee-C		6/20/08		Page 31 Transcript of Testimony of Agent Kline, identified by Mr. Arens (Agent Kline)	
						Exhibits 16 - 33 of Government's Trail	
	86			6/18/08	6/18/08	FBI Form 302 - Investigative Report of Eun Young Lee dated 12/31/07	
						11:58:49 - Jurors excused for the weekend; return by 8:45 a.m. 6/23/08	
						11:59:25 - An issue of possible discovery violation (Rule 16) was raised. Parties urged to meet, discuss and review documents. Parties to brief the issue and submit briefs by 6/23/08	
						12:09:09 - End day 10 - resume 6/23/08 at 9:00 a.m.	